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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/837,932	04/19/2001	Christine Ann Mueller	1154-01	8503

7590 05/07/2003

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EXAMINER
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SILBERMANN, JOANNE

ART UNIT	PAPER NUMBER
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3611

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DATE MAILED: 05/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

837932

Applicant(s)

Mueller

Examiner

Silbermann

Group Art Unit

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—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on 1-23-03
- ☒ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1, 3-14, 16-18 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1, 3-14, 16-18 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

Office Action Summary

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the void portion and the electrical light source emitter must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance. If these parts are also called a "channel" and a "string of rope lights" then this must be clearly explained in the Specification.

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-14 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schoniger et al. US #5,027,258 in view of Torrence, US #4,922,384.

3. Schoniger et al. teach a lighting system including frame member 16 having void portion 14, electrical light source emitter 15 in the void (as best as the claims can be understood), transparent or translucent (a transparent member is also considered to be translucent) glass member 10 (acrylic glass, as described in column 4 line 13), and opaque member 19. Light source emitter 15 contacts panel 10 as in Figure 4. The

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transparent/translucent panel is held in the void (see all Figures). Frame 16 is considered to be a picture frame or a window frame. The glass member partially retains the light source within the void. The symbols (or logo) 13 are milled into the panel. The method by which the symbols are "eroded" or etched into the panel is not germane to the issue of patentability of the device itself. Schoniger et al. do not teach a particular material for the opaque member. However, glass is well known in the art of illuminated displays. It would have been obvious to a person having ordinary skill in the art to utilize glass since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

4. Regarding claim 3, the light source extends around the void.

5. Regarding claim 7, Schoniger et al. teach coatings (col. 4 line 30) for applying the symbols.

6. Schoniger et al. do not teach the opaque panel<sup>19</sup> as being mirrored, however, this is well known in the art. Torrence teaches a display including rear opaque mirror 75 (Figures 9-11). Mirror 75 enhances the display. It would have been obvious to one of ordinary skill in the art to utilize a mirrored rear surface in the device of Schoniger et al. to create a more interesting display, as discussed in Torrence.

7. Schoniger et al. do not teach a rope of lights for illumination, however, this is well known in the art. Torrence teaches a lighting system including rope light 45. It would have been obvious to a person having ordinary skill in the art to utilize such a rope light

col. 4  
lines  
5-10

in the device of Schoniger et al. to provide illumination that is easy to use so that illumination can be provided around the display as desired.

### ***Response to Arguments***

8. Applicant's arguments filed January 23, 2003 have been fully considered but they are not persuasive.
9. Applicant discusses a 102(b) rejection regarding claims 1-8 and 10-18, however, no rejection was made under section 102.
10. Applicant argues that Schoniger et al. does not teach a reflective contrast member. The Torrence patent has been applied in response to this addition to the claims.

### ***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

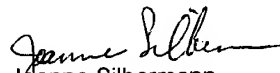
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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joanne Silbermann whose telephone number is 703-308-2091. The examiner can normally be reached on Tu-Th 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 703-308-0629. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

  
Joanne Silbermann  
Primary Examiner  
Art Unit 3611

js  
May 3, 2003